

June 25 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Linda M. Jennings  
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FILED

JUN 25 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Personal Representative, Pro Se

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN THE MATTER OF THE ESTATE OF

LOIS A. DU LAC, Deceased.

) SUPREME COURT NO. OP 10-0257  
) CONCERNING  
) PROBATE NO. DDP .10. 0019  
)  
)  
)

AMENDMENT WITH BRIEF, AFFIDAVIT, P & A, EXHIBITS IN SUPPORT THEREOF TO  
REQUESTS FOR A WRIT OF SUPERVISORY CONTROL, STAY ALL ACTIONS/HEARINGS  
PENDING SUPERVISORY CONTROL, OTHER EXTRAORDINARY RELIEF, BRIEF,  
AFFIDAVIT, POINTS AND AUTHORITIES, EXHIBITS IN SUPPORT

COMES NOW LINDA M. JENNINGS AND MAKES THIS AMENDMENT WITH BRIEF,  
affidavit, P&A, Exhibits in support thereof to requests for a writ of supervisory control, stay etc.

1) Matters occurred after filing that increased the need for supervisory control, compelling amendment.  
A former chairman of the Montana State Bar Elderly Assistance Committee and former State and  
County pro bono award winner for the elderly poor will provide affidavit in my favor as witness  
to matters Judge Sandefur erroneously attributed without due process. Judge Sandefur made  
errors and prejudicial writing for which I intend to appeal and provide affidavit that may be  
considered companion to request for supervisory control. Judge Sandefur prejudged all matters

1 even beyond his then authority and beyond objector motion to dismiss with prejudice, timed that  
2 I would not have known until after hearing, yet known to the hearing Master, who acted with bias  
3 and prejudice even beyond the hearing, hereafter.

4  
5 2) Judge Dirk Sandefur properly signed a formal probate of a Montana made will that includes a  
6 Montana made contract to make a will. "Will was both a will and a contract and therefore  
7 irrevocable", In re Estate of Weidner, 192 M 421, 628 P2d 285, 38 ST. Rep 747 (1981). Judge  
8 Sandefur later erroneously stated that a pending Calif case is the same as the formal Montana  
9 Probate, despite the Calif case is a conservatorship limited in jurisdiction to mere termination on  
10 the death of the conservatee with accounting by conservators. Judge Sandefur could not have  
11 obtained wrong information from initial filings, as neither party initially referred to a Calif case.  
12 The next objector papers never made such claim, instead showed a conservatorship. Judge  
13 Sandefur wrongly attempted to justify Master referral and other orders by filings not in existence,  
14 yet has not explained how lead objector attorney could on 4-14-10 file notice of order not yet in  
15 existence and how order made 4-15-10 could without notice deprive rights including time to  
16 answer, as Judge Sandefur did not postpone 4-28-10 trial date. The Calif court declared it has  
17 no authority over the Montana made contracts. The Calif court ordered that conservator papers  
18 were illegally filed, and directed those as not approved before Mother's death, so under Calif law  
19 can never be approved. Papers were withdrawn, yet some illegally filed or referenced in Montana  
20 Probate estate and my rights are not/should not be limited to Calif conservatorship jurisdiction.

21  
22 3) Judge Sandefur needed to be correct re bias and prejudice matters involving his Court, yet  
23 wrong information not of record could only be obtained by speaking without notice to objector  
24 Montana attorney, Calif attorney who wrongfully invited communication with the Calif Judge, or  
25 Calif Judge, latter matters under Calif investigation. No one has given any assurance the Master  
26 or the Judge have not so spoken. Prior to the Calif Presiding Judge assigning an investigator, I

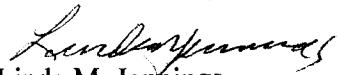
1 presented a judicial request that the Office of Presiding Judge originally overlooked that prevented the  
2 Head Judge being an investigator. The Head Judge has not denied the judicial request, in fact ordered  
3 it placed in the file, and the Presiding Judge informed that the Head Judge made an admission. The  
4 admission concerns a ruling outside authority that prompted the judicial request. As a matter of law  
5 the Head Judge made admissions in my favor of the facts presented in the judicial request, which are  
6 Exhibits in the Montana Probate Case that further prove the illegalities of objector papers.

7  
8 4) Judge Sandefur refuses to admit Master Bulger deprived the rights of the estate and my rights.  
9 Judge Sandefur attributes a clerical error, despite a specific imaging document id # on Exhibit B  
10 previously provided the Supreme Court. Yet he holds me responsible despite his judicial assistant  
11 gave me the document. Master Bulger evidenced bias, making scheduling order before time for  
12 me to answer, so he then only knew the objector side, Judge Sandefur prejudice, not finding this  
13 a problem, despite: "The Supreme Court does not condone entering orders prior to the expiration  
14 of the time for briefing." In re Estate of Stukey, Mt. 279, 323 M 241, 100 P 3d 114 (2004).

15  
16 5) Minute order shows my objection to a new objector attorney and a change in representation by  
17 another, both changes unknown to me and still not of record, Exhibit A1. Yet Master Bulger  
18 allowed this despite statute violations, Exhibit B as P&A. Another Calif objector attorney made  
19 a written offer to provide the Montana Court whatever papers the Court requested. Montana  
20 attorneys later did not respond to my request to confer. Yet at hearing Master Bulger allowed  
21 attorneys to introduce papers not previously provided me, Exhibits A1-2. Master Bulger  
22 accepted objector papers despite: A) Calif law considers those illegal, so he is assisting violation  
23 of Calif law and orders, above; B) Montana law presumes Mother did not have capacity to make  
24 papers, as those benefitted conservators, In re Estate of Clark, 237 M 179, 772 P2d 299, 46 St.  
25 Rep. 718 (1989). Objectors cannot meet the burden due to illegality, above; C) Irrevocable will  
26 in my favor due to contract to make a will, above.

6) Master Bulger allowed objectors a week beyond the hearing of their motion to dismiss to provide signed yet non noticed papers I had never seen before. He ordered the parties to file findings of fact and conclusions of law by 6-11-10 at 5 p.m. To make findings and conclusions based on transcript evidence, I paid \$400 for transcripts. Yet transcripts are still not available. Master Bulger did not take on own motion to extend time, Exhibit C as P&A. The Calif attorney did not have a signed exhibit despite his testimony, so Montana attorney and he filed non allowed papers without advance approval and beyond pleading time. These irregularities required me to make formal requests for relief that took so much time that without the requested extension I had to work 48 hours with no sleep, filing findings and conclusions not based on transcripts only minutes before the deadline. 4 days later I received Master order filed exactly at 5 p.m. deadline granting me extension, yet not referencing objector later filings. On transcript receipt I'll amend. Attorneys did not request nor receive any extension, yet did not file any findings of fact and conclusions of law, despite objector attorneys original motion that requires objectors carry the burden. Objectors prove they believe themselves above the need to follow orders of any Court. Further, my rights as a disabled person and an elderly person have been violated. The Supreme Court should take supervisory control. I certify this amendment was served on the Court, Judge Master, and parties on the same day as this mailing, and the total number of words as: 4,868.

Submitted under penalty of perjury under the laws of the State of Montana this 22nd Day of June, 2010.

  
Linda M. Jennings

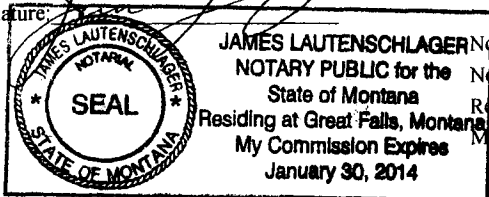
STATE OF MONTANA )

: ss.

COUNTY OF CASCADE )

SUBSCRIBED AND SWORN TO before me on June 22, 2010, by Linda M. Jennings.

Notary's signature:



Notary's name: James Lautenschlager  
Notary public for the state of Montana  
Residing at Great Falls  
My commission expires January 30, 2014

CERTIFICATE OF SERVICE

I hereby certify that I served true and accurate copies of the foregoing AMENDMENT WITH BRIEF, AFFIDAVIT, P&A, EXHIBITS IN SUPPORT THEREOF TO REQUESTS FOR A WRIT OF SUPERVISORY CONTROL, STAY ALL ACTIONS/HEARINGS PENDING SUPERVISORY CONTROL, OTHER EXTRAORDINARY RELIEF, BRIEF, AFFIDAVIT, POINTS AND AUTHORITIES, EXHIBITS IN SUPPORT by serving on the Court at Chambers on 6-22-10 the following: the Honorable Dirk Sandefur, the Honorable Master Brian Bulger of, the District Court of the Eighth Judicial District of the State of Montana, in and for the County of Cascade, and by depositing copies into the mail, postage prepaid, addressed to the following on 6-22-10:

Attorneys John Paul and Lisa Lynn for Co-trustees Arline Prentice, Ralph DuLac, Leo DuLac of the DuLac Family Living Trust

John P. Paul  
LAW OFFICE OF JOHN P. PAUL, PLL  
410 Central Avenue, Suite 519  
P.O. Box 533  
Great Falls, MT 59403

Lisa Lynn  
LYNN LAW OFFICE  
410 Central Avenue, Suite 307  
Great Falls, MT 59401

Interested persons:

John DuLac  
179 Alabaster Loop  
Perris, Ca 92570

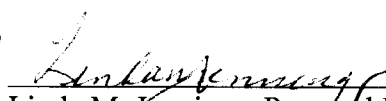
Claire DuLac  
179 Alabaster Loop  
Perris, Ca 92570

FILED

JUN 25 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

DATED this 24<sup>th</sup> day of June 2010

  
Linda M. Jennings, Personal Representative, Pro Se

K1

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

CAUSE NO. DD-10-0019

May 28, 2010

IN THE MATTER OF THE ESTATE OF:  
Lois A. Du Lac

Hrg Re: Motion to Dismiss

The co-trustees, Arline Prentice and Ralph Du Lac, personally appeared and were represented by counsel, Brian Tanko. The Du Lac Family Living Trust was represented by counsel, John Paul. Linda Jennings, personally appeared, pro-se and her husband Ned Jennings was also present. The Honorable Brian Bulger, standing master presiding.

10:00 a.m. the Court noted that it has not had any communication from the Supreme Court regarding this matter.

Linda Jennings stated her objection to the Court regarding the new attorney being assigned in this case.

The Court notes her objection.

John Paul advised the Court that there is an issue regarding the domicile of the decedent at her death.

Exhibit #1 (copy of Death Certificate from San Bernadino, California) was marked offered and admitted with out objection.

Linda Jennings stated her objection to the testimony of Dale Huffaker.

The Court notes her objection.

Dale Huffaker, licensed attorney in California, was duly sworn and testified in the behalf of the co-trustees in this matter.

Exhibit #2 (seven (7) transfer letter forms), was marked offered and admitted with out objection.

Exhibit #3 (document regarding Trust), was marked and offered, but not admitted at this time subject to the signed version of the document. John Paul shall provide a signed copy of Exhibit #3 to the Court and Linda Jennings.

Exhibit #4 (Last Will and Testament), was marked offered and admitted over the objection of Linda Jennings.

69  
EXHIBIT 41  
DDP-10-0019

Linda Jennings, younger daughter of the deceased, was duly sworn and testified in her own behalf.

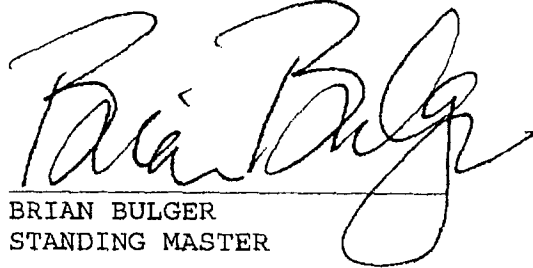
11:51 a.m. the Court took a Lunch break until 12:30 p.m.

12:33 p.m. the Court is back on the record.

Dale Huffaker, licensed attorney in California, continued to testify on rebuttal still under oath.

The Court Orders John Paul shall present a signed copy of Exhibit #3 to the Court and Linda Jennings by Friday, 6/04/10 at 5:00 p.m.

The Court Orders the parties shall have until 6/11/10 at 5:00 p.m. to submit proposed findings of facts and conclusions of law and Order.



BRIAN BULGER  
STANDING MASTER

Court reporter: Sandra Francetich

EXHIBIT A2  
JUN 10 2010

1) MCA 37-61-403. Change of attorney. The attorney in an action ... may be changed... as follows: (1) upon consent of both client and attorney, filed with the clerk or entered upon the minutes; (2) upon the order of the court, upon the application of either client or attorney, after notice from one to the other."

MCA 37-61-404: "Notice of Change. When an attorney is changed as provided in 37-61-403, written notice of the change and the substitution of a new attorney...must be given to the adverse party. Until then, the attorney shall recognize the former attorney."

"A party having an attorney of record in an action must be heard in court through such attorney, and the court may not recognize anyone in the conduct or disposition of the case except the attorney of record therein, and even death of the party does not revoke the authority of his attorney of record.", Endresse v. Van Vleet, 118 M 533, 169 P2d 719 (1946). "Thereafter written notice must be given to the adverse party of the change and substitution of a new attorney...", Endresse v. Van Vleet etc, followed in Saltzman v. Dept. of Transportation, 259 M 386, 856 P2d 965, 50 St. Rep. 845 (1993).

2) No trust can exist without a trustor, trustee, and beneficiary, thus a trust can only be represented through a trustee and cannot exist on its own as a party. A trustee can only represent for the benefit of beneficiaries, and in probate matters a trust is limited in its representation of beneficiaries.

MCA 72-1-303: "Pleadings. In formal proceedings involving trusts or estates of decedents...: (2)(b)(I) To the extent there is no conflict between them or among persons represented, orders binding a: (C) Trustee bind beneficiaries of the trust in proceedings to probate a will establishing or adding to a trust, to review the acts or accounts of a prior fiduciary, and in proceedings involving creditors or other third parties."

3) Montana Code of Civil Procedure (M.R. Civ. P) Rule 53 (e): "...The Master shall file with the report a transcript of the proceedings and of the evidence and the original exhibits."

MCA 3-5-612: Court transcripts are defined: "Prima facie a correct statement of such testimony and proceedings."

"A party's proposed findings of fact must be supported by the evidence.", Wright Oil & Tire Co. v. Goodrich, 284 M 6, 942 P2d 128, 54 St. Rep. 811 (1997).